c.) Remarks

Claims 1 has been amended in order to recite the invention for better conformity with accepted U.S. practice, and claims 2-16, 22-24, 29 and 30 are cancelled in order to reduce the issues, or as being superfluous. Claims 17-21 and withdrawn claims 25-28 have been amended to maintain their dependency. New claim 31 is added in order to more specifically recite a preferred embodiment of the present invention.

The subject matter of the amendment is found throughout the specification as filed, see pages 1, lines 18-23, page 16, lines 8-10, and page 93, lines 2-5. Accordingly, no new matter has been added.

The specification and claim 4 are objected to because the specification should be updated the status of the parent application and claim 4 does not have a period at the end of the claim. These informalities have been attended to above as well.

Claims 1-13, 20, 21, 29 and 30 are rejected under 35 U.S.C. §112, second paragraph, because the phrases of "at same degree" and "biological activity" are unclear. The rejection is addressed by foregoing amendment.

Claims 1-8, 20, 21 and 29-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application No. 10/513,148. Although the rejection is only provisional and has not matured since the co-pending application has not issued, Applicants have maintained a patentable line of demarcation by amending claim 1 to incorporate the subject matter of claim 16.

Claims 1-7, 9-13, 20 and 21 are rejected under 35 U.S.C. §112, second paragraph, because the specification does not reasonably provide enablement for recombinant antibodies or antibody fragments other than the anti-hIGF produced by KM1463 and KM3002. Such objection is also attended above.[1]

Lastly, claims 1 and 2 are rejected under 35 U.S.C. §102(b), as anticipated by Ben et al. (Growth Regulation, Vol. 1 (1999) 160-7).

In support of the rejection, the Examiner states

> Ben et al. teaches a recombinant antibody binding to IGF-I and IGF-II that inhibit the growth effects of human osteosareoma cells (page 160, abstract) meeting the limitations of claim 1.

This rejection is respectfully traversed. However, solely in order to reduce the issues and expedite prosecution, as noted above, claim 1 has above been amended to recite the unobvious features of claim 16.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1, 17-21, 25-28 and 31 remain presented for continued prosecution.

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[1] In any event, Applicants wish to point out that producing and selecting antibodies is routine once the relevant antigen is isolated, see Example 16 of the PTO Revised Interim Guidelines.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence S. Perry/
Lawrence S. Perry
Attorney for Applicants
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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